

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Rolonda Monique Osborne,

DEBTOR.

CHAPTER 13

CASE NO. 19-49526-PJS

JUDGE PHILLIP J. SHEFFERLY

TRUSTEE'S AMENDED OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to L.B.R. 3015-3(a) (E.D.M.) as follows:

1. The Plan fails to provide that 100% of profit sharing funds and/or bonuses received or entitled to be received by the debtor since commencement of the debtor's case be remitted to the Trustee for distribution among creditors as required by 11 U.S.C. Section 1325(b) and *In re Freeman*, 86 F.3d 478 (6th Cir., 1996).

2. Based upon a review of the debtor's paystubs, the debtor's Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income Form incorrectly calculates the debtor's current monthly income. Accordingly, the Trustee requests the debtor file an amended Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income Form and further provide for a 60 month Plan term so that the debtor's Plan complies with 11 U.S.C. Section 1325(b)(3) and 11 U.S.C. Section 1325(a)(3).

3. Based upon an average of the debtor's pay stubs dated September 13, 2019 and September 20, 2019, provided prior to the First Meeting of Creditors, the debtor's gross income was in the average amount of \$5,345.90, which constitutes monthly net income in the average amount of \$3,889.95. As the debtor's Schedule I understates the debtor's monthly net income by approximately \$656.00, the debtor's Plan fails to comply with 11 U.S.C. Section 1325(b)(1)(B) and 11 U.S.C. Section 1325(a)(3).

4. The amount of the proposed funding in the Plan is not sufficient to pay all claims as proposed in the Plan (the Plan is underfunded). Therefore, the debtor fails to provide for the submission of sufficient future earnings or future income for the execution of the Plan as required by 11 U.S.C. 1322(a)(1).

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the debtor's Chapter 13 Plan unless modified to meet these objections.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: December 11, 2019

By: /s/ Lisa K. Mullen
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee,
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**CERTIFICATE OF SERVICE OF TRUSTEE'S AMENDED OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

I hereby certify that on December 11, 2019, I electronically filed the Trustee's Objections to Confirmation of Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

MORAN LAW
25600 WOODWARD AVE
SUITE 201
ROYAL OAK, MI 48067-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Rolonda Monique Osborne
17133 Higdon Dr.
Brownstown, MI 48193-0000

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee - Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755